

### **REMARKS/ARGUMENTS**

Applicants respectfully request reconsideration of this application in view of the present amendments and following remarks. At this time, claims 1-38 are pending in this case, with claims 1, 18, 31, 34, 35 and 37 being independent claims. It is believed that no fees are due for the consideration of this paper. However, if fees are due, the Commissioner is authorized to charge such fees to deposit account number 13-2855. A copy of this paper is enclosed.

#### **Claims Amendments**

Claim 21 is amended to correct a typographical error by deleting “engagable” and substituting “engageable” therefore. Claims 35 and 37 are amended to more clearly recited that the manually operable mechanisms recited therein are operatively coupled to the nozzle for rotating the nozzles relative to the axes. The amendments to claims 35 and 37 are supported by the specification as originally filed at least at Fig. 2 and the accompanying text at paragraph [0020] at pages 5-6 describing the nozzles 52 being rotated to create the helical spray pattern 12 by operably coupling the handle 28 to the outlet tube 62 or directly to the nozzles 52 with a set of gears to translate linear motion of the handle 28 into rotational motion of the nozzles 52. Applicants respectfully submit that the amendments to claims 21, 35 and 37 do not present new matter and do not raise new issues, and respectfully request entry of the present amendments to claims 21, 35 and 37 and consideration of the claims as amended.

#### **Claim Rejection Under 35 U.S.C. §§ 102(b) and 103(a)**

Claims 35 and 37 were rejected under 35 U.S.C. §102(b) as being anticipated by Shook (U.S. Patent No. 4,821,961), and claims 36 and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shook in view of D’Andrade (U.S. Patent No. 6,138,871). Applicants respectfully traverse these rejections and request reconsideration in view of the amendments to claims 35 and 37 and the following remarks.

Referring to the rejection of claims 35 and 37, applicants respectfully submit that the element identified by references numeral “105” in Shook and identified in the Office action as a manually operable mechanism is not a manually operable mechanism as recited in claims

35 and 37 as amended. Shook provides no description of element 105 in the specification. Element 105 appears to be a trigger for the water blaster 11, but the element is not discussed at all, let alone being taught as being operatively coupled to the orifices 85, 89 for rotating the orifices 85, 89. Instead, the orifices 85, 89, which are identified in the Office action as corresponding to the nozzles recited in claims 35 and 37, rotate due to an angle A with respect to the central axis 31 that causes a rotational reactive power torque on the head 55. (See, e.g., Shook, Abstract and col. 3, lines 7-11 and 57-63). Therefore, Shook teaches away from operatively coupling element 105 to the orifices 85, 89 for rotating the orifices 85, 89 since the orifices 85, 89 rotate due to the force of the jet flow of the pressurized liquid. Because Shook provides no teaching of operatively coupling a manually operable mechanism to a nozzle for rotating the nozzle, and appears to teach away from such an arrangement, it follows that Shook does not anticipate or render obvious claims 35 and 37 and the claims depending therefrom.

Regarding the rejection of claims 36 and 38 over Shook and D'Andrade, applicants respectfully submit that D'Andrade does not provide the teaching missing from Shook as discussed above of a manually operable mechanism operatively coupled to a nozzle for rotating the nozzle. The nozzle assembly of D'Andrade is not disclosed as being rotatable at all, let alone being rotatable by a manually operable mechanism operatively coupled thereto. Therefore, the proposed combination of Shook and D'Andrade does not anticipate or render obvious claims 35-38, and reconsideration and withdrawal of the rejections of claims 35-38 are respectfully requested.

Application No.: 10/773,979

Docket No.: 27087/39161

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of the claims and allowance of the currently pending claims are respectfully requested. Should the Examiner wish to discuss the foregoing or any matter of form in an effort to advance this application towards allowance, she is urged to telephone the undersigned at the indicated number.

Dated: October 28, 2005

Respectfully submitted,

By: Scott E. Baxendale  
Scott E. Baxendale  
Registration No.: 41,605  
MARSHALL, GERSTEIN & BORUN LLP  
233 S. Wacker Drive, Suite 6300  
Sears Tower  
Chicago, Illinois 60606-6357  
(312) 474-6300  
Attorney for Applicants